

REMARKS/ARGUMENTS

The Office Action mailed June 26, 2005 has been reviewed and carefully considered. Claims have been amended. Claims are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

The Examiner objected to the title as not being descriptive. A new title is submitted herewith that is more descriptive of the invention. In view of the amendment to the title, the objection to the title should now be withdrawn.

Claim 1 is objected to as containing a minor informality. Independent claim 1 has been amended as suggested by the Examiner. Accordingly, the objection to claim 1 should now be withdrawn.

Claims 1-12 and 16-18 stand rejected under 35 U.S.C. §102 as anticipated by EP 0 911 623 A2 (Ratell).

Claims 13-15 stand rejected under 35 U.S.C. §103 as unpatentable over Ratell in view of U.S. Patent No. 6,308,574 (Klun).

Independent claim 1 recites "said insulating layer consisting of a material having a coefficient of expansion that lies between the coefficient of expansion of said metal of said membrane and the coefficient of expansion of said measuring elements and said electric circuit".

As stated in the MPEP §2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is respectfully submitted that Ratell fails to disclose the above limitation.

Ratell discloses a high pressure sensor having a metal body with a diaphragm 26, at least one dielectric layer 28, 38 on the diaphragm, and a piezoresistive element 34 on the dielectric layers 28, 38 for sensing the deflection of the diaphragm.

The Examiner alleges that the above limitation is disclosed by Ratell at col. 7, lines 8-15. However, this section of Ratell merely discloses that lower dielectric layer 28 has a coefficient of expansion that approximately equals that of the diaphragm. Since Ratell teaches that the coefficients of expansion of the dielectric layer and diaphragm are approximately equal, Ratell fails to disclose "said insulating layer consisting of a material having a coefficient of expansion that lies between the coefficient of expansion of said metal of said membrane and the coefficient of expansion of said measuring elements and said electric circuit", as expressly recited in independent claim 1. Accordingly, independent claim 1 is not anticipated by Ratell under 35 U.S.C. §102.

Furthermore, since Ratell specifically states that the lower dielectric layer should have the same coefficient of expansion as the diaphragm, Ratell also fails to teach or suggest "said insulating layer consisting of a material having a coefficient of expansion that lies between the coefficient of expansion of said metal of said membrane and the coefficient of expansion of said measuring elements and said electric circuit", as expressly recited in independent claim 1. Accordingly, independent claim 1 is also not obvious over Ratell under 35 U.S.C. §103.

Klun fails to teach or suggest what Ratell lacks. Klun discloses a measuring device for measuring the pressure of an atmosphere with a membrane 11 and measuring elements arranged thereon (see col. 3, lines 1-7). However, Klun does not disclose anything about the coefficients of expansion of the different parts of the sensor. Accordingly, independent claim 1 is also allowable over Ratell in view of Klun under 35 U.S.C. §103.

Dependent claims 2-18, being dependent on independent claim 1, are deemed allowable for the same reasons as is independent claim 1, as well as for the additional recitations contained therein.

Dependent claim 5 recites a plurality of insulating layers "wherein the coefficients of expansion of the materials of said plural layers are such that they increase in stages, and the one of said plural layers closest to said membrane has a coefficient of expansion closer to that of said membrane than the coefficient of expansion of others of said layers that are further away from said membrane". The Examiner refers to col. 7, lines 8-15 in his rejection of claim 5. As stated above, this section merely states that the lowest dielectric layer has the same coefficient of expansion as the diaphragm. There is no disclosure for the limitation "wherein the coefficients of expansion of the materials of said plural layers are such that they increase in stages", as expressly recited in claim 5. Accordingly, dependent claim 5 should be allowable for at least these additional reasons.

In view of the above amendments and remarks, the application is deemed to be in consideration for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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